THE APPEAL COMMISSION

THE WORKERS COMPENSATION ACT OF MANITOBA

Appeal Commission and Medical Review Panel

2009

ANNUAL REPORT

Letter to the Minister

The Honourable Jennifer Howard
Minister Responsible for *The Workers Compensation Act*
Room 317, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Minister:

I am pleased to present our 2009 Annual Report in accordance with the provisions of *The Workers Compensation Act*. This report covers the twelve month period from January 1, 2009 to December 31, 2009.

Respectfully submitted,

Lindy Choy
Acting Chief Appeal Commissioner

Table of Contents

INTRODUCTION 3

APPEAL COMMISSION

4..... Mission and Values

5..... Message from the Chief Appeal Commissioner

6..... About the Appeal Commission

7..... Method of Appeal

8..... General Hearing/Review Information

9..... The Appeal Commissioners

10..... Highlights

10..... Commissioner Workshops

10..... Disclosures under *The Public Interest Disclosure (Whistleblower Protection) Act*

11..... Appeal Commission Statistics

18..... Service Levels

MEDICAL REVIEW PANELS

19..... About Medical Review Panels

20..... Medical Review Panel Statistics

21..... Service Levels

Introduction

This report outlines the activities and statistics for both the Appeal Commission and Medical Review Panels for the period January 1, 2009 to December 31, 2009 inclusive.

The Appeal Commission is the final level of appeal in the workers compensation system in Manitoba. The Appeal Commission has exclusive jurisdiction to hear and decide appeals that arise from decisions made by the Workers Compensation Board (WCB). The Appeal Commission is separate and independent from the WCB, ensuring that issues from workers and employers are heard by an impartial panel.

The Appeal Commission consists of full and part-time appeal commissioners who are appointed by the Lieutenant Governor in Council for specific terms.

Medical Review Panels are established under *The Workers Compensation Act* (the Act) as a separate and independent process from the WCB and the Appeal Commission. Medical Review Panels allow questions to be asked of an independent panel of medical experts and an impartial medical opinion obtained on a worker's claim. The findings of a Medical Review Panel are considered evidentiary in nature and are not binding upon the WCB or Appeal Commission.

The Minister responsible for the Act appoints the Medical Review Panel Chair and Alternate Chair. The independence of the Chairs, and the ability of the employer and worker to select physicians who have not previously treated the worker to sit on a panel, allows for an impartial medical opinion.

The Office of the Registrar is responsible for providing administrative support to both the Appeal Commission and Medical Review Panels.

Mission and Values

MISSION STATEMENT

To ensure workers and employers continue to receive a full and impartial hearing of appeals in accordance with fairness and the rules of natural justice and that decisions of the Appeal Commission are a fair reflection of the facts of the case and the governing legislation.

VALUES

Quality Assurance

The Appeal Commission maintains a consistent and high level of professional conduct, knowledgeable decision-making, and accountability, while respecting differing and shared values and perspectives.

Public Integrity

The Appeal Commission is, and is seen to be, an independent body with integrity and a rational decision-making process.

Responsive to Change

The Appeal Commission evolves in a proactive and creative manner by assuring a process of consultation and consensus around desired change.

Interdependence

All appeal commissioners are committed to a high standard of professionalism in their duties to conduct fair and impartial hearings under *The Workers Compensation Act* and its regulations. As well as their individual responsibilities to become knowledgeable in the matters before them, the commissioners have individual and collective responsibilities to one another to ensure an atmosphere of mutual respect, tolerance of individual differences and opinions, freedom from pre-determined bias and a commitment to look for objective truth and sound decision-making.

Respectful Work Environment

Appeal commissioners interact with staff and colleagues in a manner which promotes mutual respect as well as clarity and understanding of respective roles.

A Message from the Acting Chief Appeal Commissioner

As Acting Chief Appeal Commissioner, I hereby present the Annual Report of the Appeal Commission for 2009.

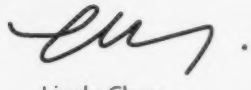
2009 was a year of flux for the Appeal Commission. In January 2009, we welcomed Pete Walker as our new full-time commissioner representing workers. Pete brings with him many years of experience in dealing with workers compensation issues and we appreciate the perspectives he is able to bring to our decision-making.

January 2009 also saw the unexpected absence of our Chief Appeal Commissioner, Alan Scramstad, due to a serious medical condition. We are pleased to know that Alan has achieved a remarkable recovery and he is expected to be back with us in 2010.

The significant changes in our full-time commissioner staffing has unfortunately translated into a slight decline in our service delivery timelines for 2009. I note that despite being shorthanded, we have remained uncompromising in the thoroughness of our review of files. Our priority has been, and will continue to be, a commitment to ensuring that all appeals receive fulsome and fair consideration. The corollary to this commitment has been an increase in our average times for delivery of service. We hope that this only represents a temporary change in our service levels and that we can soon return to the improved timelines which we were able to achieve in recent years.

I want to express gratitude to all of the part-time commissioners who have helped us maintain our operations during this time of flux. In addition to filling the gaps, the wide range of individual experience and expertise each commissioner brings to the process leads to more knowledgeable and inclusive decisions, from which everyone benefits. I would also like to express my appreciation for the continued steady support which the staff of the Office of the Registrar has provided to parties to appeals and to commissioners. I would especially like to thank the Registrar Peter Wiebe and Assistant Registrar Roger Lafrance, whose knowledge and guidance have been instrumental in keeping things running smoothly throughout this past year.

Although 2009 was a challenging year, the Appeal Commission was successful in maintaining its commitment to providing full and impartial hearings of appeals and rendering fair and just decisions. We look forward to continuing this commitment in 2010.



Lindy Choy

About the Appeal Commission

The Appeal Commission was established by legislative amendment to *The Workers Compensation Act* (the Act) in July 1990. The Appeal Commission is the final level of appeal in the workers compensation system. The Appeal Commission operates separately and independently from the WCB and is solely responsible for hearing all appeals from workers and employers concerning WCB Review Office or Assessment Committee decisions.

The full and part-time appeal commissioners are appointed by the Lieutenant Governor in Council for specific terms. The Act requires that the Appeal Commission consist of one or more appeal commissioners representing the public interest, one of whom is designated as Chief Appeal Commissioner, and one or more appeal commissioners representing workers and employers covered under the Act. The Chief Appeal Commissioner is responsible for the operation and conduct of matters relating to the Appeal Commission as established by the Act.

The Appeal Commission's conduct is governed by Regulation 279/91, *Appeal Commission Rules of Procedure*. The Rules of Procedure establish the responsibilities of the Chief Appeal Commissioner, the Registrar and the appeal panels to ensure that the integrity of the appeal system is protected and maintained.

Appeals are heard by panels of three commissioners, representing public, worker and employer interests, respectively. The commissioner representing the public interest is the chair of the panel and is responsible for the conduct of the hearing/review and panel meetings.

Hearings and reviews are conducted in accordance with the rules of natural justice and procedural fairness. All parties to an appeal (i.e. the employer, worker and their representatives) are given an equal opportunity to present their case.

The Appeal Commission is a non-adversarial enquiry forum where parties with a direct interest in a matter provide oral or written evidence. An appeal panel has the ability to ask questions or obtain additional evidence which ensures that the panel has all the information necessary to reach a fair decision.

An appeal panel may hear witnesses from either or both parties and may subpoena witnesses or evidence that will assist the panel in reaching a decision. A party with a direct interest may appear before the panel to provide evidence or in some cases, ask the panel to conduct a review of the file which would not require the attendance of any party.

The Appeal Commission also acts as the final level of appeal for claims from victims of crime filed under the provisions of *The Criminal Injuries Compensation Act* and *The Victims' Bill of Rights*.

Method of Appeal

Appellants can request a file review or oral hearing; however, the Chief Appeal Commissioner or an appeal panel addressing an appeal have the final authority to determine the most appropriate method for an appeal.

FILE REVIEW

An appeal can be decided by a file review if all the issues are easy to understand based on the file documents. The panel reaches a decision after it conducts a full review of the file documentation and any evidence submitted in writing by the parties with a direct interest. If an appeal is decided by a file review, interested parties do not appear in person before the appeal panel.

Some examples of appeals commonly decided by file review include:

- most assessment appeals
- factual matters such as the level of average earnings
- applications for an increase in permanent partial impairment where no wage loss is involved
- payment of medical aid/travel expenses
- appeals where the facts of the case are not in dispute

ORAL HEARING

Oral hearings are the most common appeal forums, and they are where the more complex appeals are usually decided. The party requesting the hearing must appear in person to present the appeal to the panel verbally, although the appeal can be supported by a written submission. In some instances, a party may be allowed to participate via teleconference. Witnesses may attend in support of the appeal, so long as the Appeal Commission is advised in advance that they will be attending.

Some examples of appeals decided by an oral hearing are:

- where additional evidence is to be presented
- where there is a fatality
- where serious injury has occurred
- where an occupational disease is involved
- where the decision may have an important impact on how WCB policy is interpreted or applied
- where the facts are in dispute

General Hearing/Review Information

- Hearings and reviews are scheduled as soon as the parties are ready to proceed.
- A worker's or an employer's access to file information is subject to certain restrictions contained in the Act. File access generally takes up to six weeks, but can be longer if objections to the release of information are received.
- Any evidence concerning an appeal must be provided to the Appeal Commission at least five business days before the review or hearing.
- A decision will be made within 60 days of the completion of the hearing or review.

AFTER AN APPEAL

The Appeal Commission cannot clarify or change its decision once it has been made, except to correct typographical errors. The panel is unable to provide any further reasons or explanations for its decision, and cannot consider further arguments or submissions by the parties.

Once a decision has been made, there are limited remedies available to the parties under the Act. These remedies are:

1. Under Section 60.9 of the Act, if a party thinks the panel has acted outside its authority or has erred in applying the Act, regulations or WCB policy, the party can approach the Board of Directors of the WCB and ask them to review the decision. The party must identify the error made by the panel. Should the Board of Directors consider that an error has been made, they may order that the appeal be re-heard.

2. Under Section 60.10 of the Act, if a party has new evidence which is substantial and material to the decision, they may apply to the Chief Appeal Commissioner and request reconsideration of the decision. The information must not have existed at the time of the original hearing, or been known to the applicant and also could not have been discovered through the exercise of due diligence. If the Chief Appeal Commissioner decides that the evidence meets the reconsideration provisions of the Act, a new hearing on the matter will be ordered. The Chief Appeal Commissioner is unable to consider further arguments about the evidence that was before the original panel.

The Appeal Commissioners

THE FULL-TIME APPEAL COMMISSIONERS

The Chief Appeal Commissioner and full and part-time commissioners representing workers, employers and the public interest are appointed by the Lieutenant Governor in Council.

As at December 31, 2009, there were four full-time commissioners:

Lindy Choy, Presiding Officer (Public Interest)
Allan Finkel, Appeal Commissioner (Employers)
Alan Scramstad, Chief Appeal Commissioner (Public Interest)
Pete Walker, Appeal Commissioner (Workers)

THE PART-TIME APPEAL COMMISSIONERS

As at December 31, 2009, the Appeal Commission had thirteen part-time appeal commissioners, four representing the public interest, four representing workers and five representing employers. The services of the part-time commissioners are used when full-time commissioners are in conflict on a case, for vacation relief, when workloads increase, and to maintain their level of expertise.

PUBLIC INTEREST	REPRESENTING WORKERS	REPRESENTING EMPLOYERS
Kristin Dangerfield	Margaret Day	Margaret Bencharski
Mira Thow	Mark Kernaghan	Christiane Devlin
Sherri Walsh	Grant Ogonowski	Julie Gervino
Byron Williams	David Zirk	Ron Koslowsky
		Barrie Simoneau

Highlights

- Peter J. Wiebe, Registrar, continued to serve as a member of the Board of Directors of the Manitoba Council of Administrative Tribunals (MCAT).
- Lindy Choy, Acting Chief Appeal Commissioner, chaired the workshop "Art of Writing Reasons" at MCAT's 4th Annual Conference.
- Our brochure, *Preparing for an Oral Hearing*, was rewritten and republished.

Commissioner Workshops (continuing education)

Full and part-time appeal commissioners attend workshops and participate in external training throughout the year on topics related to workers compensation and administrative tribunals. Workshops and external training attended in 2009 were:

- Manitoba Council of Administrative Tribunals sessions:
  - 4th Annual Conference
  - Writing Reasons for Judgment
  - Tribunal Member Training Program
- Council of Canadian Administrative Tribunals conference:
  - The Modern Canadian Tribunal: 25 Years in the Making
- Canadian Institute conference:
  - Fundamentals of Administrative Law

Disclosures under *The Public Interest Disclosure (Whistleblower Protection) Act*

There were no disclosures received in 2009.

Appeal Commission Statistics

WORKERS COMPENSATION STATISTICS

TOTAL APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals carried forward from previous year	29	28	41
Hearings held (by appeal)	106	135	130
Reviews held (by appeal)	15	38	34
Cases in process	[18]	[29]	[28]
Cases adjourned	[5]	[4]	[5]
TOTAL APPEALS DECIDED	**127**	**168**	**172**
Appeals accepted	43	46	57
Appeals partially accepted	12	16	19
Appeals not accepted	72	106	96
TOTAL APPEALS DECIDED	**127**	**168**	**172**
Percentage accepted	33.9%	27.4%	33.1%
Percentage partially accepted	9.4%	9.5%	11.1%
Percentage not accepted	56.7%	63.1%	55.8%

POST HEARING ACTIVITIES *(cases in process)*	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Cases awaiting further information requested by the panel	2	6	4
Cases awaiting decision	2	4	1
Decision writing	14	19	23
TOTAL	**18**	**29**	**28**

TOTAL WORKER APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	40	40	54
Appeals partially accepted	10	16	19
Appeals not accepted	59	92	81
TOTAL	**109**	**148**	**154**
Percentage accepted	36.7%	27.0%	35.1%
Percentage partially accepted	9.2%	10.8%	12.3%
Percentage not accepted	54.1%	62.2%	52.6%
Number of workers represented by:			
Legal Counsel	11	11	13
Union Representative	10	17	20
Worker Advisor	43	52	49
Advocate	4	9	14
Self Representation	40	56	51
Other	1	3	7

WORKER APPEALS TO CLAIM/REHABILITATION ISSUES	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	40	40	54
Appeals partially accepted	10	16	19
Appeals not accepted	59	92	80
TOTAL	**109**	**148**	**153**
Percentage accepted	36.7%	27.0%	35.3%
Percentage partially accepted	9.2%	10.8%	12.4%
Percentage not accepted	54.1%	62.2%	52.3%

WORKER APPEALS TO ASSESSMENT ISSUES	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	0	0	0
Appeals partially accepted	0	0	0
Appeals not accepted	0	0	1
TOTAL	**0**	**0**	**1**
Percentage accepted	0%	0%	0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	0%	0%	100%

TOTAL EMPLOYER APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	3	6	2
Appeals partially accepted	2	0	0
Appeals not accepted	13	14	15
TOTAL	**18**	**20**	**17**
Percentage accepted	16.7%	30.0%	11.8%
Percentage partially accepted	11.1%	0%	0%
Percentage not accepted	72.2%	70.0%	88.2%
Number of employers represented by:			
Legal Counsel	3	1	0
Advocate	2	11	3
Employer Agent	13	5	12
Self Representation	0	3	2

EMPLOYER APPEALS TO CLAIM/REHABILITATION ISSUES	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	1	6	1
Appeals partially accepted	2	0	0
Appeals not accepted	10	13	11
TOTAL	**13**	**19**	**12**
Percentage accepted	7.7%	31.6%	8.3%
Percentage partially accepted	15.4%	0%	0%
Percentage not accepted	76.9%	68.4%	91.7%

EMPLOYER APPEALS TO ASSESSMENT ISSUES	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	2	0	1
Appeals partially accepted	0	0	0
Appeals not accepted	3	1	4
TOTAL	**5**	**1**	**5**
Percentage accepted	40.0%	0%	20.0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	60.0%	100%	80.0%

TOTAL THIRD PARTY APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	0	0	1
Appeals partially accepted	0	0	0
Appeals not accepted	0	0	0
TOTAL	**0**	**0**	**1**
Percentage accepted	0%	0%	100%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	0%	0%	0%
Number of third parties represented by:			
Legal Counsel	0	0	1
Union Representative	0	0	0
Worker Advisor	0	0	0
Advocate	0	0	0
Self Representation	0	0	0
Other	0	0	0

CASE TYPE CLAIM	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	39	43	49
Appeals partially accepted	11	11	15
Appeals not accepted	62	88	83
TOTAL	**112**	**142**	**147**
Percentage accepted	34.8%	30.3%	33.3%
Percentage partially accepted	9.8%	7.7%	10.2%
Percentage not accepted	55.4%	62.0%	56.5%

CASE TYPE REHABILITATION	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	2	3	7
Appeals partially accepted	1	5	4
Appeals not accepted	7	17	8
TOTAL	**10**	**25**	**19**
Percentage accepted	20.0%	12.0%	36.8%
Percentage partially accepted	10.0%	20.0%	21.1%
Percentage not accepted	70.0%	68.0%	42.1%

CASE TYPE ASSESSMENT	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	2	0	1
Appeals partially accepted	0	0	0
Appeals not accepted	3	1	5
TOTAL	**5**	**1**	**6**
Percentage accepted	40.0%	0%	16.7%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	60.0%	100%	83.3%
TOTAL CASES DECIDED	**127**	**168**	**172**

MOST COMMON ISSUES ADDRESSED	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Entitlement to wage loss benefits (post-1992)	41	60	71
Claim acceptance	39	52	42
Is present condition related to the compensable injury	27	11	22
Entitlement to medical aid payment	14	19	21
Should responsibility for surgery be accepted	6	1	2
Deeming process	4	10	6
Entitlement to a permanent partial impairment award	4	5	1
Is psychological/psychiatric condition related to the compensable injury	4	1	7
Request for Medical Review Panel	4	5	6
Is the firm in a compulsory industry	3	0	0
Is worker entitled to further physiotherapy treatment	3	1	0
Was the vocational rehabilitation plan appropriate	3	5	5
Average earnings policy	2	4	1
Entitlement to a cosmetic permanent partial impairment award	2	1	0
Entitlement to temporary total disability benefits (pre-1992)	2	4	2
Mitigation	2	14	9
Is chronic pain related to the compensable injury	1	0	0
Is worker to reimburse the WCB for overpayment of benefits	1	2	6
Should collateral benefit be deducted	1	2	0
Discretionary rehabilitation expense	1	3	3
Is the employer entitled to cost relief	1	3	2
Other issues	12	35	48
TOTAL ISSUES ADDRESSED	**177**	**238**	**254**

RECONSIDERATIONS UNDER SECTION 60.10 OF THE ACT	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Number of requests decided	8	11	21
Reconsiderations granted	0	2	3
Referred back to the WCB to address new issues identified by the Chief Appeal Commissioner/designate	0	0	0

FILE ACCESS APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Worker appeals	10	9	3
Employer appeals	7	1	1
TOTAL FILE ACCESS APPEALS	**17**	**10**	**4**

CRIMINAL INJURIES/VICTIMS' RIGHTS STATISTICS

TOTAL APPEALS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Appeals accepted	1	0	0
Appeals partially accepted	0	0	1
Appeals not accepted	0	2	7
TOTAL	**1**	**2**	**8**
Percentage accepted	100%	0%	0%
Percentage partially accepted	0%	0%	12.5%
Percentage not accepted	0%	100%	87.5%

Service Levels

The Service Level Report was instituted in 1997. This tracking system allows the Office of the Registrar to review the time it takes an appeal to move through the appeal process. Service levels are reviewed at various stages of the appeal process to identify delays and to determine if administrative improvements can be made.

Appeal Commission staff personally contact all interested parties with respect to the scheduling of hearings. Historically, the Appeal Commission has been able to schedule a hearing or review within six weeks of receiving an appeal. It is found, however, that this does not allow sufficient time for the parties to fully prepare.

According to Regulation 279/91, *Appeal Commission Rules of Procedure*, an appeal panel must publish its decision within 60 days following the conclusion of a hearing. A hearing is considered to have concluded once the panel obtains the necessary information to allow it to make a decision.

SERVICE LEVEL STATISTICS *(Based on decisions published as at December 31, 2009)*	**YEAR ENDING 2009**	**YEAR ENDING 2008**	**YEAR ENDING 2007**
Average time from date appeal received to date of hearing	16.00 wks	14.83 wks	12.42 wks
Average time from hearing date to decision published	9.82 wks	8.61 wks	11.36 wks
[Average time from date of decision to decision published]	[5.82 wks]	[5.11 wks]	[6.58 wks]
AVERAGE TIME FROM DATE APPEAL RECEIVED TO DECISION PUBLISHED*	**25.82 wks**	**23.44 wks**	**23.78 wks**

**Includes all cases where the panel did not make a decision immediately after the hearing/review due to a request for additional information.*

About Medical Review Panels

Medical Review Panels enable the WCB or Appeal Commission to obtain impartial, independent advice on medical matters that affect a worker's right to compensation.

Subsection 67(3) of the Act allows the WCB or Appeal Commission the discretion to refer a medical matter to a Medical Review Panel for an independent opinion. This may occur when a claim is fairly complex and an independent expert opinion is required.

Subsection 67(4) of the Act establishes the right of an injured worker to a Medical Review Panel if there is a difference of opinion on a medical matter between the worker's physician and a WCB medical advisor and this difference affects the worker's entitlement to compensation. A Medical Review Panel must be convened if a difference of opinion, as defined by subsection 67(1) of the Act, exists.

Subsection 67(4.1) of the Act provides that an employer may request that the WCB refer a medical matter to a Medical Review Panel for its opinion. The medical matter must be real and substantial and affect entitlement to compensation.

A Medical Review Panel is comprised of a Chairperson and two panel members. The Minister responsible for the Act appoints the Chairperson and the Alternate Chairperson. The worker and employer select the other two panel members from a list of physicians, provided by the College of Physicians and Surgeons, who specialize in the matter under consideration. In addition, specialist consultants in other fields may be invited to attend and assist the panel.

Physicians who have treated the worker, who examine workers on behalf of the employer, or who have acted as consultants in the treatment of the worker are not eligible to serve on the Medical Review Panel.

The independent nature of the Medical Review Panel process ensures that the medical advice obtained is impartial and is based upon the facts of the case as documented on file and as discovered through the process.

The findings of a Medical Review Panel are considered evidentiary in nature and are not binding upon the WCB or the Appeal Commission.

The Chairperson of Medical Review Panels is Dr. Gary Beazley. The Alternate Chairperson is Dr. Mallory Fast.

Medical Review Panel Statistics

MEDICAL REVIEW PANELS (MRPs)	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Total MRPs convened	0	8	11
INITIATED BY:			
Primary Adjudication	0	8	6
Review Office	0	0	2
Appeal Commission	0	0	3
CONVENED UNDER:			
Subsection 67(3)	0	1	3
Subsection 67(4)	0	7	8
Subsection 67(4.1)	0	0	0

MEDICAL REVIEW PANELS CONVENED BY AREA OF MEDICAL SPECIALTY	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Orthopaedic Surgery	0	5	9
Physical Medicine & Rehabilitation	0	2	1
Psychiatry	0	1	1
TOTAL	**0**	**8**	**11**

Service Levels

The convening of a Medical Review Panel is a complex process where a panel of specialists and consultants are brought together on a specific day to meet, examine a worker and answer questions placed to them. This involves arranging a time convenient to all parties, the preparation of documents and the publishing of the Medical Review Panel findings.

MEDICAL REVIEW PANEL SERVICE LEVEL STATISTICS	YEAR ENDING 2009	YEAR ENDING 2008	YEAR ENDING 2007
Average time from date of request to date MRP held	N/A	19.47 wks	17.80 wks
Average time from date of MRP to date report is published	N/A	4.23 wks	4.25 wks
AVERAGE TIME FROM DATE OF REQUEST TO DATE REPORT IS PUBLISHED	**N/A**	**23.70 wks**	**22.05 wks**

THE APPEAL COMMISSION

THE WORKERS COMPENSATION ACT OF MANITOBA

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